

COMMONWEALTH OF AUSTRALIA
Trade Practices Act 1974 – Subsections 88(8), (10) and (13)

**EXCLUSIVE DEALING:
APPLICATION FOR AUTHORISATION**

To the Australian Competition and Consumer Commission:

- Application is hereby made pursuant to subsections 88(8), (10) and (13) of the *Trade Practices Act 1974* for an authorisation under those subsections to engage in conduct that constitutes or may constitute the practice of exclusive dealing.

1. (a) **Name of applicant**

The New South Wales Department of Health (the "**Department**").

(b) **Short description of business carried on by applicant**

The administration of the public health system in New South Wales.

(c) **Address in Australia for service of documents on the applicant**

c/- Blake Dawson Waldron Solicitors
Grosvenor Place
225 George Street
SYDNEY NSW 2000

2. (a) **Description of the goods or services in relation to the supply or acquisition of which this application relates**

In this Application the term "Public Health Organisation" has the meaning set out in section 7 of the *Health Services Act 1997*.

The acquisition of non-pathology medical services by each Public Health Organisation in New South Wales.

The supply of non-pathology medical services by senior specialists exercising rights of private practice and VMOs to private inpatients in public hospitals in New South Wales.

The supply of pathology medical services by pathology practitioners appointed by Public Health Organisations to private inpatients in public hospitals in New South Wales.

(b) **Description of the conduct that would or may affect competition or constitute the practice of exclusive dealing**

Public Health Organisations requiring senior specialists exercising a right of private practice and VMOs to refer private inpatients in public hospitals in New South Wales to a pathology practitioner appointed by a Public Health Organisation.

The supply of non-pathology medical services by a Public Health Organisation to private inpatients of public hospitals in New South Wales on condition that the patient acquire pathology services from a pathology practitioner appointed by a Public Health Organisation.

These conditions implement Circular 89/1 "Policy on Provision of Pathology Services in Public Hospitals" issued by the Department on 4 January 1989. A copy of this circular is attached to the Supporting Submission to this Application.

3. (a) **Class or classes of persons to which the conduct relates**

Suppliers or potential suppliers of pathology services in New South Wales.

(b) **Number of those persons:**

(i) **At present time**

This information is supplied in the Supporting Submission to this Application.

(ii) **Estimated within the next year**

The number of persons is not expected to change significantly in the coming year.

4. **Names and addresses of these persons (where known) of parties and other persons on whose behalf application is made**

Central Coast Area Health Service
Gosford Hospital
Cnr Holden & Racecourse Roads
GOSFORD NSW 2250

Central Sydney Area Health Service
Level 2, Building 11
67-73 Missenden Road
CAMPERDOWN NSW 2050

Far West Area Health Service
176 Thomas Street
BROKEN HILL NSW 2880

Greater Murray Health Service
73-75 Johnston Street
WAGGA WAGGA NSW 2650

Hunter Area Health Service
Lookout Road

Northern Rivers Area Health Service
PO Box 419
Hunter Street
LISMORE NSW 2480
(Lismore Base Hospital)

Northern Sydney Area Health Service
Main Building Executive Offices
Level 4, Royal North Shore Hospital
Pacific Highway
ST LEONARDS NSW 2065

South Eastern Sydney Area Health Service
Primrose House
Malua Street (Cnr Russell Avenue)
DOLLS POINT NSW 2219

South Western Sydney Area Health Service
Eastern Campus
Liverpool Hospital
LIVERPOOL NSW 2170

Southern Area Health Service
Level 1, City Link Plaza Building

3.

NEW LAMBTON HEIGHTS NSW 2305	24 Morrisett Street QUEANBEYAN ACT 2620
Illawarra Area Health Service 33 Five Islands Road PORT KEMBLA NSW 2505	Wentworth Area Health Service The Nepean Hospital Derby Street PENRITH NSW 2750
Macquarie Area Health Service 62 Windsor Parade DUBBO NSW 2830	Western Sydney Area Health Service Westmead Hospital Level 3, Dental School Cnr Darcy & Hawkesbury Road WESTMEAD NSW 2145
Mid North Coast Area Health Service "The Parsonage" Albert Street TAREE NSW 2430	Royal Alexandra Hospital for Children, known as The New Children's Hospital Cnr Hawkesbury Road and Hainsworth Street WESTMEAD NSW 2145
Mid Western Area Health Service 175 George Street BATHURST NSW 2795	St Vincent's Hospital Sydney Ltd in respect of St Vincent's Hospital Darlinghurst Victoria Street DARLINGHURST NSW 2000
New England Area Health Service Tamworth Base Hospital TAMWORTH NSW 2340	Other Public Health Organisations as defined in section 7 of the <i>Health Services Act</i> 1997 (NSW) All staff specialists exercising a right of private practice and all VMOs providing services to private patients at hospitals and health services operated by Area Health Services in New South Wales

5. (a) **Grounds for grant of authorisation**

This information is supplied in the Supporting Submission to this Application.

(b) **Facts and contentions relied upon in support of those grounds**

This information is supplied in the Supporting Submission to this Application.

6. (a) **Does this application deal with a matter relating to a joint venture?**

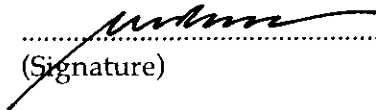
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7. **Name and address of person authorised by the applicant to provide additional information in relation to this application**

Peter Armitage
Partner
Blake Dawson Waldron Solicitors
Grosvenor Place
225 George Street
SYDNEY NSW 2000

Dated 1 November, 2000

Signed on behalf of the applicant:


(Signature)

Director General
(Description)

Michael A. Reid
(Full Name)